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**AJMER STATE GOVERNMENT**

**Law and Judicial Department**

*Ajmer, the 29th July 1955*

The following Act of the Ajmer Legislative Assembly received the assent of the President on the 15th July 1955 and is hereby published for general information:—

**THE AJMER BHOODAN YAGNA ACT 1955**

Act No. VI of 1955

An Act to facilitate the activity in connection with the Bhoodan Yagna initiated by Shri Acharya Vinoba Bhave and to provide for the constitution of a Bhoodan Yagna Board, the donation of land to the said Board, the distribution of land received in donation to landless persons and to provide for matters ancillary thereto.

BE it enacted by the Legislative Assembly of the State of Ajmer in the Sixth Year of the Republic of India as follows:—

**1. Short title, extent and commencement.**—(1) This Act may be called the Ajmer Bhoodan Yagna Act, 1955.

(2) It extends to the whole of the State of Ajmer.

(3) It shall come into force at once.

**2. Interpretation.**—(1) In this Act unless there is any thing repugnant in the subject or context,—

(a) “Bhoodan Yagna” means the movement initiated by Shri Acharya Vinoba Bhave for acquisition of land through voluntary gifts with a view to distribute it to landless persons;

(b) “Board” means the Bhoodan Yagna Board established under section 3;

(c) "land" means land which is or can be used for agricultural purposes or for purposes subservient thereto or for pasture, including grove land and tank which may be used for the purposes of irrigation or fishing or growing *singharas* or other similar produce but does not include 'abadi';

(d) "landholder" means any person holding land and includes an Istamrardar, a Jagirdar, a Non-Sanadi Istamrardar, a minor Istamrardar, a Muafidar, a Khewatdar, a Bisweddar, a Guzaredar, a rent-free grantee, a grantee at favourable rate of rent, an ex-proprietary tenant, an occupancy tenant and a hereditary tenant;

(e) "landless person" means a person holding no land or landless than the area which may be prescribed in this behalf;

(f) "notification" means a notification in the official Gazette;

(g) "prescribed" means prescribed by rules made under this act;

(h) "State Government" means the Chief Commissioner, Ajmer.

(2) The General Clauses Act, 1897 (X of 1897) applies for the interpretation of this Act as it applies for the interpretation of a Central Act.

**3. Establishment of Bhoodan Yagna Board.**—(1) There shall be established a Board by the name of the Ajmer Bhoodan Yagna Board.

(2) The Board shall be a body corporate having perpetual succession and common seal with power to acquire and dispose of property, both movable and immovable, and shall by the said name sue and be sued.

(3) It shall be the duty of the Board to administer all lands vested in it for the benefit of the Bhoodan Yagna in accordance with the provisions of this Act.

**4. Constitution of Board.**—(1) The Board shall consist of the following members, namely:—

(a) the Chairman and the Secretary—to be nominated by Shri Acharya Vinoba Bhave; and

(b) four or more but not exceeding seven members—to be nominated by Shri Acharya Vinoba Bhave.

(2) If the Chairman, the Secretary or any member is not nominated before the date or any extended date fixed in that behalf by the State Government, the State Government shall appoint the Chairman, the Secretary or the member as the case may be in the place or places so left vacant.

(3) The nomination or appointment of the Chairman, of the Secretary and of the members shall be notified in the official Gazette.

(4) A Chairman, Secretary or member nominated or appointed under this section shall hold office for four years from the date of the notification in his respect under sub-section (3) and shall be eligible for re-nomination or re-appointment:

Provided that the State Government may remove from office any member who in the opinion of the State Government has failed to perform or is unable to carry out his duties or has so abused his position as a member as to render his continuance as member detrimental to the interests of the public.

(5) The Chairman, the Secretary or any member may at any time resign his office by submitting his resignation to the State Government.

(6) Any thing done or any proceedings taken under this Act shall not be questioned on account of any vacancy in the Board of any defect or irregularity in the nomination or appointment of the Chairman, the Secretary or any member of the Board.

**5. Appointment of officers and servants.**—(1) The Board may appoint such officers and servants as it considers necessary for the efficient performance of its functions.

(2) The remuneration and other conditions of service of the officers and servants of the Board shall be such as may be determined by the Board.

**6. Conduct of Business.**—The procedure of the working of the Board and the conduct of its business shall be such as may be prescribed.

**7. Application of property and contracts.**—(1) All property, whether movable or immovable, vested in the Board shall be held and applied by it subject to the provisions and for the purposes of this Act.

(2) The Board may enter into and perform all such contracts as it may consider necessary or expedient for carrying out any of the purposes of this Act.

**8. Dissolution of Board.**—(1) If at any time the State Government is satisfied that—

(a) the Board has failed without reasonable cause or excuse to discharge the duties or to perform functions imposed or assigned by or under this Act, or

(b) circumstances have so arisen that the Board is rendered unable or may be rendered unable to discharge duties or to perform functions imposed or assigned by or under this Act, or it is otherwise expedient or necessary to do so.

it may by notification—

(i) dissolve the Board for a period to be specified which may be extended from time to time;

(ii) direct the re-constitution of the Board in accordance with the provisions of this Act; and

(iii) declare that the duties, powers and functions of the Board under this Act shall for the period for which it has been dissolved be discharged, exercised and performed by such persons or authorities and subject to such restrictions as may be specified therein.

(2) The State Government may make orders providing for such incidental and consequential matter as may appear to it to be necessary for the purposes of this section.

**9. Procedure for making donation of land.**—(1) Notwithstanding anything contained in any law, regulation or rule, any landholder other than a non-occupancy tenant or sub-tenant, desiring to make a gift to the Board of any land held by him, may make such gift by filing with the Tahsildar a declaration in writing in that behalf (hereinafter called the Bhoodan declaration) in the manner prescribed.

(2) On receipt of the Bhoodan declaration, the Tehsildar shall, if satisfied, after such summary enquiry as he thinks necessary, that the declarant is competent to make the gift, issue a notice in the prescribed form to all such persons as he may consider interested in the property calling upon them, before a date specified in the notice, to show cause why the gift should not be accepted.

(3) The Tahsildar shall also affix a copy of the notice referred to in sub-section (2) on the notice board of his court and shall cause it to be published by beat of drum in the village where the land is situate.

(4) Any person whose interests are affected by the Bhoodan declaration made under sub-section (1) may, before the date specified in the notice, file an objection before the Tahsildar showing cause why the gift should not be accepted.

(5) The Tahsildar shall register every such objection and shall fix a date of hearing of which notice shall be given to the declarant, the objectors and the Panchayat concerned, if any.

(6) On the date of hearing or any other date to which it may be postponed, the Tahsildar shall proceed to investigate and dispose of the objection and shall, subject to the other provisions of this section,

(a) either confirm the Bhoodan declaration, or

(b) supersede the same.

(7) If the Tahsildar confirms the Bhoodan declaration, then, notwithstanding any thing contained in any law for the time being in force, all the rights, title and interests of the declarant in such land shall stand transferred to and vest in the Board for the purposes of the Bhoodan Yagna.

(8) Where the Bhoodan declaration is superseded by the Tahsildar under sub-section (6), the donation shall stand cancelled and the declarant shall be deemed to continue to have all his rights, interests and title in such land as if no such donation was made.

(9) The order made under sub-section (6) to confirm the Bhoodan declaration shall be got registered under the Indian Registration Act, 1908 (XVI of 1908), by the Tahsildar in such manner as may be prescribed and it shall then take effect from the date of the order, as if it were a deed of gift.

10) No fee for registration of the order shall be chargeable.

(11) The Tahsildar may at any stage of the proceedings supersede a declaration on any of the following grounds, namely:—

(i) that the donor is incompetent to make a gift;

(ii) that the title of the donor is defective;

(iii) that there are encumbrances on the land;

(iv) that there are arrears of land revenue or rent;

(v) that the land was recorded on the date of the declaration as common pasture land, cremation or burial ground, tank, pathway, or threshing ground;

(vi) such other ground as may be prescribed.

**10. Order of Tahsildar subject to civil suit.**—The order of the Tahsildar confirming a declaration, passed under sub-section (6) of section 9, shall not be subject to appeal or revision, but any party aggrieved by the order or any other person interested in the land who had no notice of the proceedings under section 9 may within six months from the date of such order institute a suit in the civil court having jurisdiction to have the order set aside and the decision of such court shall be binding on the Board, and subject to the result of such suit if any, the order of the Tahsildar shall be conclusive.

**11. Gifts to be irrevocable.**—Every gift of land in respect of which the Bhoodan declaration has been confirmed under sub-section (6) of section 9 shall after such confirmation be irrevocable.

**12. Lands vesting in Board not attachable.**—The lands vesting in the Board shall not be liable to attachment or sale in execution of any decree or order passed by a civil court against the Board.

**13. Lands donated prior to the commencement of this Act.**—(1) Where any land has been donated for the purposes of the Bhoodan Yagna prior to the commencement of this Act, the Deputy Commissioner shall prepare a list of all such lands showing therein—

(a) the area and other particulars of the land;

(b) the name and address of the donor;

(c) date of donation;

(d) the nature of the interest of the donor in the land;

(e) if the land has already been granted to any person in pursuance of the Bhoodan Yagna, the name of the person to whom the land has been granted (hereinafter called the grantee);

(f) the date of the grant under clause (e); and

(g) such other particulars as may be prescribed.

(2) The list so prepared shall be published in the manner prescribed.

(3) On such publication of the list and notwithstanding anything in any law to the contrary—

(a) the right, title and interest of every donor in such land shall with effect from the date of donation be deemed to stand transferred to and vest in the Board if a Bhoodan declaration had been duly made and confirmed in respect thereof under and in accordance with the provisions of section 9;

(b) where such land has in pursuance of Bhoodan Yagna been granted to any person, it shall with effect from the date of grant be deemed further to have been granted to the grantee under and in accordance with the provisions of section 14.

**14. Power of Board to grant leases.**—Notwithstanding anything provided in any law to the contrary, the Board or such other authority or person as the Board may specify, either generally or in respect of any areas, may, in the manner prescribed, grant leases of lands which have vested in it to landless persons.

**15. Conditions of leases.**—A person to whom land is leased under section 14 shall be recorded in village papers or records of rights as a Bhoodan lessee and shall hold the land subject to the following terms and conditions, namely:—

(a) the lessee shall be entitled to hold the land as such so long as it continues vested in the Board;

(b) the leasehold rights shall, on the death of the holder, pass to his heirs;

(c) the lessee shall not transfer any interest in the land;

(d) the lessee shall not sub-let the land without the previous sanction of the Board;

(e) the lessee shall not allow the land to lie fallow for a period in excess of two years;

(f) the lessee shall pay the lease-money one month before the date on which land revenue for the land is due;

(g) the lessee shall comply with any conditions which the Board may impose by regulations.

**16. Ejectment of lessee on breach of conditions.**—(1) If any lessee commits a breach of any of the conditions (a) to (g) in section 15, the Board may apply to the Sub-Divisional Officer for determining the lease.

(2) The Sub-Divisional Officer may after giving full opportunity to the lessee to be heard and after such enquiry as he deems fit, determine the lease and restore possession of the land to the Board.

**17. Grants to be made in accordance with the Bhoodan Yagna scheme.**—All grants shall be made, so far as may be, in accordance with the scheme of Bhoodan Yagna:

Provided that if the Board is unable to allot any land vesting in it or to use such land for any community purpose, it shall have

the power to exchange such land with other suitable land, or to sell it in order to purchase another land for being distributed according to the provisions of this Act.

**18. Disposal of undistributed land.**—If the Board cannot distribute any donated land in accordance with the scheme, it shall transfer such land to the State Government.

**19. Rights of Bhoodan lessee.**—Any person who has held land as a Bhoodan lessee for ten years continuously in accordance with the conditions in section 15 shall on the expiry of ten years have the same rights in the land as are held by the Board and the title and interests of the Board therein shall cease.

**20. Recovery of arrears of lease-money.**—Any arrears of lease-money due to the Board by a lessee shall on application by the Board be recoverable in the same manner as arrears of land revenue.

**21. Exemption from stamp duty in registration.**—The Bhoodan declaration made or deemed to be made under section 9 or a grant of land made or deemed to be made under section 14 shall be and be deemed always to have been exempt from payment of stamp duty and from registration or attestation under the law relating to registration or execution of documents, any law to the contrary notwithstanding.

**22. Ejectment of persons unlawfully in possession.**—Any person in possession of the land on the date of the order under section 9 and any person who takes possession otherwise than in accordance with law of the land vesting in the Board may on an application to the Sub-Divisional Officer by the Board or the lessee concerned be ejected.

**23. Partition of holding.**—If the land gifted to the Board forms part of a holding, the Board or the lessee concerned may apply to the Tahsildar for possession and the Tahsildar may, notwithstanding any provision in any law to the contrary, partition the holding and demarcate the land and apportion the rent.

**24. Power to remit land revenue.**—(1) The State Government may, if it is satisfied that the Board has not been able to lease out the land in any year, remit the land revenue or rent due on the land in that year.

(2) The State Government may by notification direct that the powers conferred on it under sub-section (1) will subject to such conditions as may be specified be exercisable also by the Deputy Commissioner.

**25. Procedure.**—The proceedings under this Act shall be deemed for all purposes to be proceedings under the Ajmer Tenancy and Land Records Act, 1950 (XLII of 1950), and the procedure applicable to proceedings under the said Act shall be followed.

**26. Regulations.**—The Board may from time to time with the previous sanction of the State Government make regulations consistent with this Act and rules made thereunder—

(a) for regulating its procedure and disposal of its business;

(b) for the remuneration and conditions of service of its employees;

(c) for the principles to be followed for the distribution of lands, qualifications of persons to whom lands may be given and the maximum area to be leased to one family;

(d) for prescribing conditions for advancing loans to lessees;

(e) for any other matter arising out of the Board's function under this Act for which it is necessary or expedient to make regulations.

**27. Power to make rules.**—(1) The State Government may by notification make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generally of the foregoing power, the State Government may make rules—

(a) prescribing the area of land for purposes of clause (d) of section 2;

(b) prescribing the form of Bhoodan declaration and the manner in which it shall be filed;

(c) the documents to be filed with the Bhoodan declaration;

(d) prescribing the form of notice under sub-section (2) of section 9 calling upon persons to show cause why the gift of land should not be accepted;

(e) the nature, scope and manner of the enquiry under sub-section (2) of section 9;

(f) the manner of filing the objections and their registration;

(g) the manner and mode of service of notices under this Act;

(h) the procedure to be followed in hearing and disposal of objections under section 9;

(i) the matters relating to the grant of land in pursuance of section 14;

(j) prescribing conditions for advancing loans to lessees;

(k) the matters which are to be and may be prescribed.

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V. N. BHATIA,  
Secretary to the Govt. of Ajmer.